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THE MEANING OF JURISPRUDENCE

1.1 Literal Meaning

The word "jurisprudence" is derived from the Latin expression *juris prudentia*, which means "skill in the law" or "knowledge of law." In this sense, it is the philosophy, science, study and application of law. This is the common literal meaning. Jurisprudence also means "by the activity of *prudentes*;¹ advisors, experts." Law in ancient Rome was a monopoly of the college of the Pontiffs (*Pontifex*).² Pontiffs were replaced in 3rd century B.C. by a secular body of *prudentes*. Admission to this body was conditional upon proof of competence or experience. Under the Roman Republic, schools of law were created, and the activity constantly became more academic. The degree of scientific depth of the studies was unprecedented in ancient times and reached still unrivalled peaks of skill. It is about this activity that it has been said that Romans had developed an art out of the law.³

After the 3rd century, *juris prudentia* became a more bureaucratic activity, with few notable authors. It was during the Byzantine Empire (5th century) that legal studies were once again undertaken in depth, and it is from this cultural movement that Justinian's *Corpus Juris Civilis* was born.

¹Experts issuing responsa or *fatwas*.

²*Pontifex* comes from the Latin for "bridge builder," that is, a bridge to gods and spirits. The *pontifex maximus* was the most important member of the college. The College of Pontiffs itself was a body of the ancient Roman state whose members were the highest-ranking priests of the state religion. The college consisted of the Pontifex Maximus and the other pontifices, the Rex Sacrorum, the fifteen flamens, and the Vestals. There were other colleges too dealing with the reading of omens, the carrying out of the rites, and the setting up of feasts at festivals.

³"Jurisprudence was the first of the social sciences to be born." Wurzel, "Methods of Judicial Thinking," in *Science of Legal Method: Selected Essays*, 289, as quoted by Dias, *Jurisprudence*, 3.